



Implications of the USA PATRIOT Act for FireHost Customers

Background

The **USA PATRIOT Act** (commonly known as the **Patriot Act**) is an Act of the U.S. Congress that was signed into law on October 26, 2001 in response to the terrorist attacks of September 11th. The act dramatically reduced restrictions in law enforcement agencies' gathering of intelligence within the United States and abroad.

(Section 215) of the Patriot Act enables federal law enforcement to subpoena a business for any "tangible thing", including customer records, library check-out lists, medical records, bank account information, etc.

The Patriot Act makes any data that is kept by a U.S. company, **both within or outside U.S. borders**, susceptible to a possible U.S. Government seizure or search. Regardless of where it is stored, any data can be turned over to the government for inspection since the company that is storing the data is governed by U.S. law.

However, there are rules and processes that govern U.S. Government requests for data held outside of the United States. The primary vehicle that defines these rules and processes is commonly referred to as the Mutual Legal Assistance Treaty (MLAT) that was originally signed between the US and UK governments on January 6, 1994 and revised to encompass the EU on June 25, 2003.

FireHost Information

- FireHost, Inc. and FireHost LTD are legally separate companies.
- FireHost, Inc. is a US company formed and registered in Delaware in August, 2005.
- FireHost LTD is a company incorporated under English and Welsh law in October, 2011. It is registered in the UK and is a wholly owned subsidiary of FireHost, Inc. LTD has separate banking relationships from Inc., all UK leases and equipment are owned or leased by LTD, and all UK customers are invoiced by LTD.

Implications for FireHost Customers

FireHost must respond to all lawful requests for information/data. However, FireHost will ensure that any request received meets all applicable legal requirements and that we have been provided with all relevant documentation supporting the request.

If you are a U.S. based company and have data stored in the FireHost UK cloud, then that data is subject to the terms of the PATRIOT Act. However, any request made by a U.S. law enforcement agency for information/data that is housed, controlled or managed in a foreign country, that is not part of U.S. legal sovereignty or jurisdiction, must go through the legal process in the country in which the data resides.

The MLAT between the US & EU requires that U.S. authorities proceed through UK legal channels for PATRIOT Act requests. These requests are typically brokered through the U.S. Department of State. Requests for law enforcement tools like "covert wiretapping" can only be authorized by the UK Home Secretary (US equivalent would be Secretary of Homeland Security).

